

MAYOR AND COUNCIL ROCKVILLE, MARYLAND

June 15, 2009

Meeting No. 15-09

7:00 p.m.

1. **Vote to convene in Executive Session pursuant to Sections 10-508 (a) (1) (i) and 10--508 (a) (1) (ii) of the State Government Article, Annotated Code of Maryland, to discuss the compensation and performance evaluation of employees and officials over whom it has jurisdiction and to discuss a personnel matter that affects one or more specific individuals regarding agreement negotiations with the Fraternal Order of Police**

The Mayor and Council of Rockville, Maryland met on Monday, June 15 at 6:24 p.m. in the Mayor and Council Chamber, Rockville City Hall, 111 Maryland Avenue. Present were Mayor Susan Hoffmann, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Phyllis Marcuccio and Councilmember Robbins.

Prior to their General Business meeting, the Mayor and Council met in Executive Session pursuant to Sections 10-508 (a) (1) (i) and 10- 508 (a) (1) (ii) of the State Government Article, Annotated Code of Maryland, to discuss the compensation and performance evaluation of employees and officials over whom it has jurisdiction and to discuss a personnel matter that affects one or more individuals regarding agreement negotiations with the Fraternal Order of Police.

Present at the Executive Session were Mayor Hoffmann and Councilmembers Gajewski, Marcuccio, and Robbins. Councilmember Britton was absent. Also in attendance were City Manager Scott Ullery, Assistant City Manager Jenny Kimball, Chief of Police Terry Treschuk, Director of Human Resources Carlos Vargas, City Attorney Debra Yerg Daniel and City Clerk Claire Funkhouser.

The Mayor and Council discussed recommendations which resulted from the "Meet and Confer" process with the Fraternal Order of Police. The Mayor and Council directed staff to bring back the recommendations for ratification at the Mayor and Council meeting on June 22. There being no further business, the Executive Session was adjourned at 6:45 p.m.

2. **Convene in General Business Meeting**

Following the Executive Session, the Mayor and Council convened in their general business meeting.

3. **Agenda Review**

City Clerk Claire Funkhouser said that there were no changes to this evening's agenda.

4. **City Manager's Report**

City Manager Scott Ullery said that the upcoming Fourth of July celebration and fireworks will be held at Montgomery College again this year. Mr. Ullery thanked Montgomery College for allowing the City to use the facility again this year. The Brass Quintet of the Rockville Concert Band will play prior to the fireworks.

Mr. Ullery introduced JoAnn Grbach of the City's Communications Office. Ms. Grbach said that the delegation representing Rockville at the All America City competition in Tampa, Florida, will be leaving on Wednesday, June 17. He thanked the Mayor and Council for their support. Mayor Hoffmann and Councilmember Robbins will be attending the competition. Councilmember Robbins thanked Ms. Grbach for coordinating the work of the delegation.

Mr. Ullery then introduced the Chief of Environmental Management, Mark Charles, who spoke about the possible presence of harmful substances such as asbestos and lead paint. Mr. Charles said that he had toured the area and the amount of lead paint and other harmful substances was found to be below hazardous levels for safety. The developer had removed any asbestos some time ago.

Councilmember Britton said that the recent rains have seemed to help wash things away. Councilmember Marcuccio said that it seemed that the wind did carry materials quite a bit and suggested that people may want to restrict the use of leaf blowers. Councilmember Britton said that individuals may want to resist the urge to go by there so as not to take any chances.

Mayor Hoffmann said that this was indeed a loss for the City, adding that the Lodge was a beautiful building with a great history as well as great potential to be restored.

5. Update on the Coalition to Support Rockville's Businesses.

Jeff Miller of the Chamber of Commerce introduced Charlie Maier and Chris Warner of the public relations working with the Coalition to raise awareness of the Buy Rockville Campaign. Mr. Miller said that over \$44,000 for the effort so far, including the contribution from the City.

Ms. Warner presented a tour of the new Buy Rockville website, which will go live next week. She also described other efforts such as TV spots, street banners and banners at the Real Rockville games at Richard Montgomery High School.

Councilmember Gajewski asked for some information about the budget.

Councilmember Marcuccio mentioned that the Science Cafe will now be held at the Austin Grill. She also said that she had some concerns about the brochure for Parking in Town Center, which characterizes the parking as free, not complimentary. She said she had also heard that some of the codes which people had been given did not work.

In response, City Manager Ullery said that, if citizens encounter problems with the code, they should come to City Hall for a new code.

6. Recognition of Nicolas Bolatto, 4th grader at Ritchie Park Elementary School, as the winner of the 2009 Rockville "If I Were Mayor" essay contest, and presentation of certificates to students from Rockville elementary schools who are receiving Honorable Mention awards.

Mayor Hoffmann described the program, which is an initiative of the Maryland Municipal League. As part of the City's participation, the Mayor visited every fourth grade classroom.

The winner from Rockville, Nicholas Bullatto, a fourth grader at Ritchie Park elementary School, had spent May 11 as the "Mayor for a Day" by visiting City Hall, having lunch with the Mayor, etc. He also rode in the City's Memorial Day Parade. The Mayor and Council presented certificates of recognition to those students who had received Honorable Mention.

7. Presentation of Scholarships from Rockville Scholarship Foundation.

John Moser, President of the Rockville Scholarship Foundation, introduced some of the representatives from the Rockville Scholarship Foundation who were involved in the selection of the scholarships this year.

Mr. Moser then introduced the recipients of the scholarships. Judy Ackerman, who is the Vice -President and Provost of the Rockville Campus of Montgomery College, presented the winners of the scholarships to Montgomery College.

Mayor Hoffmann complimented the winners and wished them luck with their academic endeavors.

8. Citizen's Forum

Citizen - Issue

Norene Bryan - Victory Housing Project

Alice Liu - Victory Housing Project

Roxie Chase - Personal Issues

Ted Reuther - Princeton Place

Mayor Hoffmann called for a moment of silence in honor of Jayne Greene, who died last week. Mrs. Greene was the wife of one of the City's former mayors, Alexander Greene.

9. **Mayor and Council's Response to Citizen's Forum**

The following members of the Mayor and Council offered comments in response to Citizens' Forum: Councilmembers Britton, Gajewski and Marcuccio.

10. **Appointments**

Animal Matters Board

Lucille Roberts (Reappointment as Chair until June 1, 2010)

Motion moved by Councilmember John Britton, seconded by Councilmember Anne Robbins to approve the reappointment of Lucille Roberts as Chair of the Animal Matters Board until June 1, 2010.

Motion Passed: 5 approved - 0 opposed - 0 abstained

Mayor Susan Hoffmann, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Phyllis Marcuccio, and Councilmember Anne Robbins approved.

None opposed.

Cultural Arts Commission

John Moser (Reappointment as Chair until June 1, 2010)

Motion moved by Councilmember Phyllis Marcuccio, seconded by Councilmember Anne Robbins to approve the reappointment of John Moser as Chair of the Cultural Arts Commission until June 1, 2010.

Motion Passed: 5 approved - 0 opposed - 0 abstained

Mayor Susan Hoffmann, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Phyllis Marcuccio, and Councilmember Anne Robbins approved.

None opposed.

Landlord-Tenant Commission

Edward Gonzague (Reappointment as Chair until June 1, 2010)

Motion moved by Councilmember Phyllis Marcuccio, seconded by Councilmember Anne Robbins to approve the reappointment of Edward Gonzague as Chair of the Landlord-Tenant Commission until June 1, 2010.

Motion Passed: 5 approved - 0 opposed - 0 abstained

Mayor Susan Hoffmann, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Phyllis Marcuccio, and Councilmember Anne Robbins approved.

None opposed.

Recreation and Park Board

Katherine (Kate) Savage (Reappointment as Chair until June 1, 2010)

Motion moved by Councilmember John Britton, seconded by Councilmember Anne Robbins to approve the reappointment of Katherine (Kate) Savage as Chair until June 1, 2010)

Motion Passed: 5 approved - 0 opposed - 0 abstained

Mayor Susan Hoffmann, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Phyllis Marcuccio, and Councilmember Anne Robbins approved.

None opposed.

Rockville Housing Enterprises

Steven Marr (Reappointment as Chair until June 1, 2010)

Motion moved by Councilmember Anne Robbins, seconded by Councilmember Phyllis Marcuccio to approve the reappointment of Steven Marr as Chair until June 1, 2010.

Motion Passed: 5 approved - 0 opposed - 0 abstained

Mayor Susan Hoffmann, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Phyllis Marcuccio, and Councilmember Anne Robbins approved.

None opposed.

11. **Consent Agenda**

- A. Approval of Minutes
- B. Authorization to Release and Extinguish the Stormwater Management Easements for the Upper Rock District Development.
- C. Approval to utilize and make multiple awards off of various State of Maryland, Department of Information Technology Contracts as needs arise.
- D. Award of contract to Teltronic, Inc., Technology Upgrade Bi-Directional Amplifiers(s) Project
- E. Award of Bid #38-09, Construction of Commercial Water Meter Vaults and Meter Installations. 8:35 pm

Motion moved by Councilmember Piotr Gajewski, seconded by Councilmember John Britton to approve the Consent Agenda

Motion Passed: 5 approved - 0 opposed - 0 abstained

Councilmember Piotr Gajewski, Councilmember Anne Robbins, Councilmember Phyllis Marcuccio, Councilmember John Britton, and Mayor Susan Hoffmann approved.

None opposed.

12. **District 17 Presentation to Mayor and Council and approval of 2010 Legislative Action Requests/Priorities**

Mayor Hoffmann welcomed Senator Jennie Forehand, and Delegates Kumar Barve, Jim Gilchrist, and Luis Simmons to the meeting. Linda Moran, the Assistant to the City Manager, opened the presentation by saying that the Mayor and Council would first receive an update from the District 17 delegation and then she would provide a presentation on the City's proposed Legislative Action Requests (LARs) for

consideration in next year's session of the General Assembly.

The members of the delegation reviewed the challenges and successes encountered in this year's session. Some of the highlights were the difficult budget year faced by the state, the impact of the federal stimulus package, progress on environmental issues, new voting mechanisms, and progress on domestic violence issues and restrictions on the death penalty.

Senator Forehand said that the delegation worked very closely with the legislature this year. She also mentioned her continued advocacy for an interchange at I-270 and Gude Drive and mentioned that she was pleased to report that the Inter-County Connector is 40% complete. Senator Forehand added that the Corridor Cities Transitway CCT should benefit from former Director of Transportation John Porcari's being Under Secretary at the Department of Transportation in the Obama administration.

Senator Forehand commended the City of Rockville for its emphasis on safety with the speed camera program. She noted some other legislative accomplishments such as the \$100,000 for the renovation of the Post Office and progress in developing clean energy.

Councilmember Britton thanked the delegation for their collaboration with the City. He asked about representation of the state on a new Washington Metropolitan Council of Governments (COG) committee devoted to the environment.

Delegate Barve said he did not want to forget to mention that she thought that Ms. Moran had done a terrific job. He said that the delegation considered her a member of the team.

Councilmember Marcuccio mentioned the development of Rockville Pike in the White Flint area, which she said she felt was an area of increasing importance in the development of the County.

In conclusion, Mayor Hoffmann offered her personal appreciation and thanks to the delegation. Ms. Moran said she, too, appreciated the work that the delegation had done on behalf of the City.

Ms. Moran then presented information on three Legislative Action Requests (LARs), which staff was recommending for consideration by the Maryland Municipal League (MML) as part of their legislative agenda.

The first related to the timing of the City's Master Plan, which currently takes place every six years. It is recommended that the timing now occur two years after the census. The second LAR involves the ability to store some of the City's records electronically instead of on paper, which could result in a reduction of storage space and associated costs.

There was a broad discussion about the merits of paper versus electronic medium. Councilmember Marcuccio said she was unclear on the scope of the issue. She feared that something that was stored electronically could vanish and there would not be a paper to back it up. Councilmember Britton also expressed his concern about documents, like maps, that are some times unreadable when scanned.

Mayor Hoffmann suggested that staff return with some more information to which Mr. Ullery responded that staff would do so, specifically focusing on what is in the boxes concerned and the recommended way of backing it up.

Councilmember Marcuccio wondered if the City Attorney might be able to provide some advice. Councilmember Gajewski suggested further research as to the safest medium of storage.

13. Public Hearing on Sectional Map Amendment MAP2009-00106

The Mayor and Council held a public hearing on Sectional Map Amendment MAP 2009-00106 at 8:58 p.m. City Clerk Claire Funkhouser said that the hearing had been properly advertised. The Mayor and Council heard from Joe Thompson, Planner II, and one other individual. The testimony of the individuals can be found in the official public hearing file of the Mayor and Council. There being no other individuals wishing to speak, the Mayor and Council closed the public hearing at 9:01 p.m. Mayor Hoffmann said that record would stay open until June 22, 2009 at 5:00 p.m.

14. Introduction and Adoption of Ordinance to Amend Ordinance #2-09 to Appropriate Funds and Levy Taxes for Fiscal Year 2009

Budget Officer Stacy Tate said that the amendment was primarily administrative in nature.

Councilmember Britton introduced the Ordinance.

Motion moved by Councilmember John Britton, motion failed due to a lack of seconder provide for the waiver of the layover period for Adoption of Ordinance to Amend Ordinance #2-09 to Appropriate Funds and Levy Taxes for Fiscal Year 2009

Mr. Ullery said that, in light of the motion to waive the layover not receiving a second, the ordinance would be brought back for adoption on June 22.

15. Approval of Pedestrian Safety Inventory Study

Mr. Ullery introduced Emad Elshafei, Chief of Traffic and Transportation, to present the study. Mr. Elshafei introduced the study which focused on crossing locations with high pedestrian usage. The inventory included all 110 signalized intersections within the City limits regardless of ownership. The study also included 52 uncontrolled crosswalks near schools, metro stations, community facilities and shopping centers. The purpose of the project was to assess pedestrian safety through an inventory of traffic control devices such as signs, crosswalks, countdown signal heads, and other amenities such as ADA ramps, streetlights and any other traffic device. The goal is to identify the sites in need of pedestrian safety enhancements and to provide a prioritization system to assist in programming those enhancements. Mr. Elshafei said that, subject to approval, staff will implement the improvements outlined in the study.

Mr. Elshafei then introduced Matthew Allen, one of the consultants, who described the process in accessing the intersections involved and gave each one of them a grade. He particularly highlighted elements such as sight distance and accessibility which would generally enhance intersection safety.

In response, the Mayor and Council asked some questions about intersections that were not signalized, especially near Metro. Councilmember Britton mentioned the HAWK device and its possible utilization. Mr. Allen said that this kind of device was intended for high accident location and would not be indicated in Rockville because it is not a high accident area.

There was extensive discussion about lighting, including better lighting at unsignalized intersections and the use of LED lights. It was mentioned that revenue from the speed cameras can be used for this. Councilmember Gajewski said that the results of the recent Citizen Survey proved that citizens want better, brighter streets. He wondered if there is any way to accelerate the improvements. Craig Simoneau, Director of Public works, said that new lights had already been added in some areas.

Councilmember Marcuccio asked about raised surface near intersections, which Mr. Allen said these were called "detectable surfaces" and were designed for individuals with visual impairments.

There were also questions about the criteria used by different jurisdictions and how they are calculated.

Motion moved by Councilmember John Britton, seconded by Councilmember Piotr Gajewski to approve the Pedestrian Safety Inventory Study

Motion Passed: 5 approved - 0 opposed - 0 abstained

Councilmember Piotr Gajewski, Councilmember Anne Robbins, Councilmember Phyllis Marcuccio, Councilmember John Britton, and Mayor Susan Hoffmann approved.

None opposed.

16. Approval of the Community Branding Project

City Manager Ullery introduced Marylou Berg, Communications Officer, to present this issue. Ms. Berg said that staff was requesting approval from the Mayor and Council to approve a Request for Proposal (RFP) to hire a consultant to develop a "brand" for the City. It would be expected that the process would include the development of a logo and tagline, which will be used in Rockville Reports, signage, etc. What would not be included in this particular proposal would be the cost and scope of implementation, which will be the responsibility of the Communications Division. Ms. Berg said that, if approved by the Mayor and

Council, staff would proceed with putting out the RFP with a return date of August. The finalist in the process would be presented to the Mayor and Council after recess.

Councilmember Britton asked about the way that the RFP would be publicized. He wondered if there was any company in Rockville that was capable responding successfully. He also said that he would prefer to see more than the finalist, perhaps the top three submissions.

Councilmember Marcuccio said that, to her, the project seems out of time and place, which could incur significant costs for implementation. She added that doing this type of project gives the state of the national and state economy upsets her notion of what is appropriate.

Councilmember Gajewski said he disagreed and thought it was a perfect time to proceed. He added that, since it was in the budget, the City could take advantage of a market where people were looking for work. Councilmember Britton noted that the action requested of the Mayor and Council this evening would commit funding to only the first phase of the project, not to implementation.

Councilmember Robbins said that she could see both sides but that if further funding was problematic, the implementation could be stalled. She also mentioned the 'round Rockville shuttle, which she said she had noticed was hardly full. Mayor Hoffmann spoke of visibility of the wrap on the buses, which served as a simple way to make the buses distinctive and unique to Rockville.

Motion moved by Councilmember Piotr Gajewski, seconded by Councilmember John Britton to approve initial funding of not to exceed \$75,000 for the development of a Community Branding Project

Motion Passed: 3 approved - 1 opposed - 1 abstained

Mayor Susan Hoffmann, Councilmember John Britton, and Councilmember Piotr Gajewski approved.

Councilmember Phyllis Marcuccio opposed.

Councilmember Anne Robbins abstained.

17. Review & Comment regarding Future Agendas

City Manager Ullery said that the recommendations of the "Meet and Confer" process, which had been the topic of this evening's Executive Session, would be added as an agenda item on June 22. The adoption of the FY 2009 budget amendment would also appear on that evening's agenda.

Regarding items that had been added to the list of Future Agendas, there will be a Public Hearing on July 13 on the Mt. Vernon Street Abandonment. A commemoration regarding Chestnut Lodge will take place at 6:00 p.m. before the Mayor and Council's next meeting on June 22.

18. Old/New Business

Councilmember Robbins said she wished to extend greetings for a Happy 41st Anniversary to her husband, Dave.

Councilmember Britton asked about the status of setting up a process to log in anything that may be submitted regarding a development project. Mr. Ullery said that the Department of Community Planning and Development Services had been working with the Communications Office to develop this.

Councilmember Marcuccio asked why the grass in Town Square had been replaced with mulch. She also wondered who is on the list of recipients for the mayor and council email address. She suggested some kind of automated response to the sender that would indicate who would see the email, including the staff.

Mayor Hoffmann asked for information on the status of the percentage of wind power being used by the City as a source of power. (CHECK)

19. Adjournment

There being no further business, the meeting was adjourned.

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